

May 7, 2003 BZA



REQUEST ANALYSIS
AND
RECOMMENDATION

03AN0262

The Chesterfield County
Board of Supervisors

Bermuda Magisterial District
2809 and 2811 Banbury Road

REQUEST: An 800 square foot Variance to the 12,235.96 square foot lot area requirement for a dwelling.

RECOMMENDATION

Recommend approval of this Variance for the following reasons:

- A. Variance will not impair the character of this residential area.
- B. Variance will not reduce or impair the value of the buildings or property in the surrounding area.

GENERAL INFORMATION

Location:

Property is known as 2809 and 2811 Banbury Road. Tax IDs 795-659-5952 and 6057 (Sheet 26).

Existing Zoning:

R-15

Size:

0.2 acre

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Existing Land Use:

Vacant

Adjacent Zoning and Land Use:

North - R-15; Residential

South - R-15; Vacant

East - R-15; Residential

West - R-15; Residential

Utilities:

Public water and sewer

General Plan:

(Chester Village Land Use and Transportation Plan)

Residential
(1.01 to 2.5 units per acre)

DISCUSSION

The Zoning Ordinance requires lots in Residential (R-15) Districts to have at least 15,000 square feet of lot area to build a single family dwelling. The property owner's representative was granted a 2,764.04 square foot Variance on December 4, 2002. However, when the property owner's representative applied for final check plat review, it was discovered the previously approved Variance was insufficient. Therefore, the Board of Supervisors request an 800 square foot Variance.

The applicant provides the following justification in support of this request:

A 2,764.04 square foot Variance to the 15,000 square foot lot area requirement in a Residential (R-15) zoning area was granted for Case number 03AN0116 by the Board of Zoning Appeals on December 4, 2002. Map used to calculate the Variance requirement was incorrect causing the Variance to be insufficient. This was not known until a resubdivision survey was conducted in January 2003, which determined the lot was smaller than the than the Variance request.

The owner of the lot is in assisted living. A real estate agent recommended selling the lot separately from the owner's house lot before knowing the lot did not meet (R-15) size requirements. The property owner that purchased the house lot declined the purchase of the lot. One (1) adjacent property owner offered forty (40) percent of the amount of a contract to purchase the lot. The owner believes the value of the lot is more in keeping with the contract to purchase the lot. The money from the sale of this lot will allow the owner to continue living in an assisted living environment without having to move to a facility which allows government assistance.

Staff reviewed the application and finds that on December 4, 2002, the Board of Zoning Appeals approved a 2,764 square foot Variance to the 15,000 square foot lot area requirement on property located at 2809 and 2811 Banbury Road. These lots are located in the Fan Court Subdivision. When the application was submitted to the Planning Department the County's GIS map was used to determine the square footage of the two lots instead of a recorded survey plat. On January 6, 2003, a new surveyed plat was submitted to the Planning Department to combine the two (2) lots into one. This plat indicated that the total area of the two (2) lots is less than the area that was used for the December 4, 2002, request to the Board of Zoning Appeals. Therefore, another Variance would need to be approved by the Board of Zoning Appeals in order for the subject properties to meet the requirements of the Zoning Ordinance.

Staff believes that allowing the property owner to combine the two (2) lots into one (1) and increasing the previously approved Variance by 800 square feet will not reduce or impair the value of the dwellings or property in the immediate or surrounding area and will not impair the character of this residential district, therefore staff recommends that this request be approved.

BANBURY ROAD
50' R/W

